

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MATTHEW N. RICHARD,

Plaintiff,

v.

Case No. 20-CV-876

WILLIAM SWIEKATOSKI, *et al.*,

Defendants.

ORDER

On May 19, 2021, the defendants filed a motion for summary judgment on the merits. (ECF No. 31.) On June 21, 2021, plaintiff Matthew N. Richard, who is incarcerated and representing himself, filed a motion for a temporary restraining order (TRO) and preliminary injunction, (ECF No. 41). In his brief supporting his motion for a TRO, Richard stated that he needs materials related to the Almighty Vice Lord Nation organization but obtaining these materials would cause him to violate Wisconsin Department of Corrections (DOC) regulations and expose him to disciplinary action. (ECF No. 42 at 3-4.) He asked the court to issue a TRO and preliminary injunction prohibiting the defendants and the DOC from writing him a conduct report or disciplining him for possessing these prohibited materials. Because the defendants responded that Richard would not be disciplined for possessing materials he needs to respond to their motion for summary judgment, the court found

no need for court involvement at that time and denied the motion as moot. (ECF No. 47.)

On October 1, 2021, Richard renewed his motion for a TRO because prison staff confiscated his legal materials related to the Vice Lords. (ECF No. 50.) Richard requested that he be allowed to keep his litigation materials through the entire litigation. The defendants requested that the court enter an order requiring Richard to dispose of any litigation materials referencing gang activity or the Vice Lords after he responds to the defendants' motion for summary judgment. (ECF No. 53.)

The court held a telephonic hearing on the motion for a TRO on November 3, 2021, wherein the court took Richard's motion under advisement. Before determining whether Richard had to relinquish his litigation materials, the court wanted to review his response to the defendants' motion for summary judgment. The court gave Richard until December 3, 2021, to file his response to the defendants' motion for summary judgment.

Richard filed his response on December 2, 2021. The court has reviewed Richard's brief in opposition (ECF No. 61), his response to the defendants' proposed findings of fact (ECF No. 62), and his declaration (ECF No. 63). They all contain detailed information about the history and operation of the Vice Lords. The prison administration at Green Bay Correctional Institution has a penological justification for requiring Richard to relinquish possession of these materials. However, Richard should have access to the materials throughout the duration of this case.

Accordingly, Richard must turn over his brief, his response to the defendants' proposed findings of fact, his declaration, and any notes or research he used to draft these materials to the litigation coordinator at Green Bay. If he needs access to these materials at a later date, he is to make arrangements with the litigation coordinator using the appropriate procedure (that is, using whatever process and/or forms Green Bay has in place) to review these materials under the supervision of the litigation coordinator. The litigation coordinator shall keep these materials until 60 days after judgment is entered unless an appeal is filed. In that case, the litigation coordinator shall retain the materials until the appeal is fully concluded. Should Richard transfer institutions while his case is pending, prison administration at Green Bay Correctional Institution is responsible for ensuring he has access to these materials at his new institution.

IT IS THEREFORE ORDERED that Richard's renewed motion for a temporary restraining order and preliminary injunction (ECF No. 50) is **DENIED**.

IT IS FURTHER ORDERED that Richard must relinquish possession of any gang-related or Vice Lord-related materials to prison administration within 5 days of the date of this order. Prison administration shall retain Richard's legal materials in a manner consistent with this order as described above.

Dated in Milwaukee, Wisconsin this 3rd day of December, 2021.

BY THE COURT

A handwritten signature in black ink, reading "William E. Duffin", written over a horizontal line.

WILLIAM E. DUFFIN
United States Magistrate Judge